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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,832

10/20/2005

Mario Giorgio Prussiani

2502-1089

6302

466 7590 04/13/2007

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EXAMINER

SCRUGGS, ROBERT J

ART UNIT

PAPER NUMBER

3723

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/553,832

Applicant(s)

PRUSSIANI, MARIO GIORGIO

Examiner

Robert Scruggs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-32 is/are rejected.
- 7) ☒ Claim(s) 25 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/10/06 & 10/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on January 10, 2006 and October 20, 2005 are noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the suckers must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 28, is objected to because of the following informalities: In line 2, of claim 28, the applicant discloses, "said cutting disc (56)" however the character representing the cutting disc should be (65). Appropriate correction is required.

5. Claim 25, is objected to because of the following informalities: In line 3, of claim 28, the applicant discloses, "the cutting head (13)" however the character representing the cutting head should be (3). Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 19-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 19, the applicant discloses that the manipulator means comprises suckers. However, the drawings fail to show the plurality of suction units being claimed. Is the applicant trying to disclose a single suction unit? Are there pluralities of suction units (if so, these need to be shown)? Or is there a main suction unit that has a plurality of smaller suction devices attached thereto (if so, these

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need to be shown)? The applicant should clarify the claims to properly disclose the suction unit(s) in any future amendment.

8. Claims 25 and 26 are also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 25, the applicant discloses that the three axis of translation (7,8 and 9) are perpendicular to one another. However, from figures 3 and 4, axis 7 and axis 9 appear to be parallel to one another. Therefore, the examiner is confused as to what directions the applicant is trying to disclose.

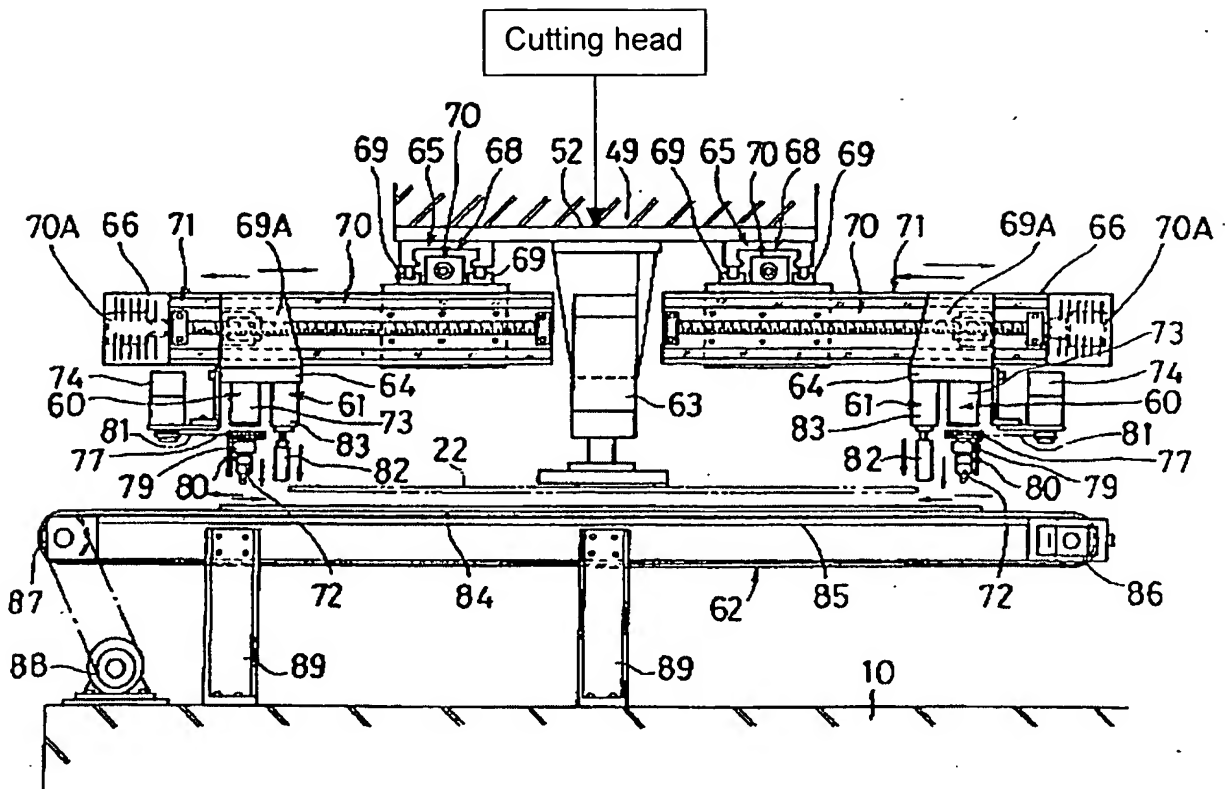
Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

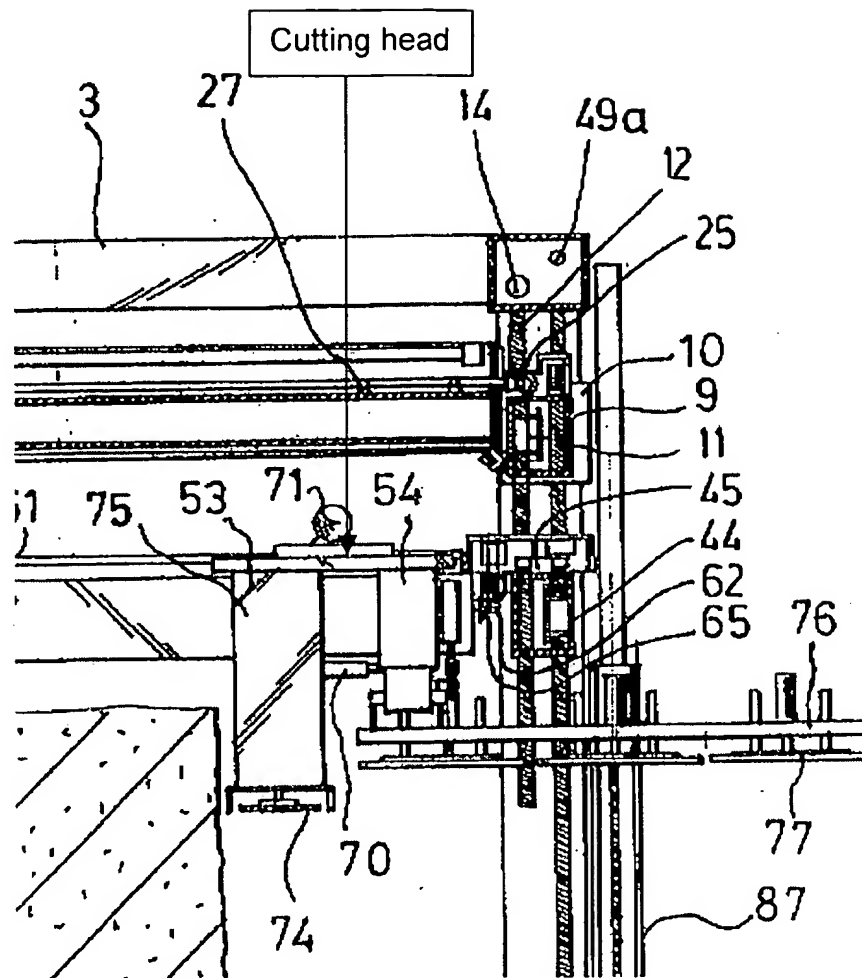
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 19- 24 are rejected under 35 U.S.C. 102(b) as being anticipates by Bando (5221034). Bando discloses a numerical control mechanism (Column 2, Lines 10-22) for controlling a cutting head (Figure 14) (see figure below) having a blade (72) addressable within a cutting volume and comprising means for manipulating workpieces (sheets) within said cutting volume, wherein said manipulating means are formed as a suction device (63) that extends from the cutting head.



11. Claims 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Christian (FR 2706348). Christian discloses a numerical control mechanism (see abstract) for controlling a cutting head (Figure 2) (see figure below) having a blade (74) addressable within a cutting volume and comprising means for manipulating workpieces (sheets) within said cutting volume, wherein said manipulating means are formed as a suction device (54) that extends from the cutting head.

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Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bando (5221034) in view of Gawazawa (2003/0070520). Bando discloses the claimed previously mentioned above, but lacks, translating the cutting head along an axis that allows for diagonal cuts to be made. However, Gawazawa teaches that a cutting head (48) (Figure 6) can be translated along an axis that allows for diagonal cuts to be made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, of Bando, by translating the cutting head along an axis that allows for diagonal cuts to be made, in view of Gawazawa, in order to position the cutting head at various angles without replacing the workpiece thereby increasing productivity.

14. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christian (FR 2706348) in view of Gawazawa (2003/0070520). Christian discloses the claimed previously mentioned above, but lacks, translating the cutting head along a third axis that allows for diagonal cuts to be made. However, Gawazawa teaches that a cutting head (48) (Figure 6) can be translated along an axis that allows for diagonal cuts to be made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, of Christian, by translating the cutting head along an axis that allows for diagonal cuts to be made, in view of Gawazawa, in order to position the cutting head at various angles without replacing the workpiece thereby increasing productivity.

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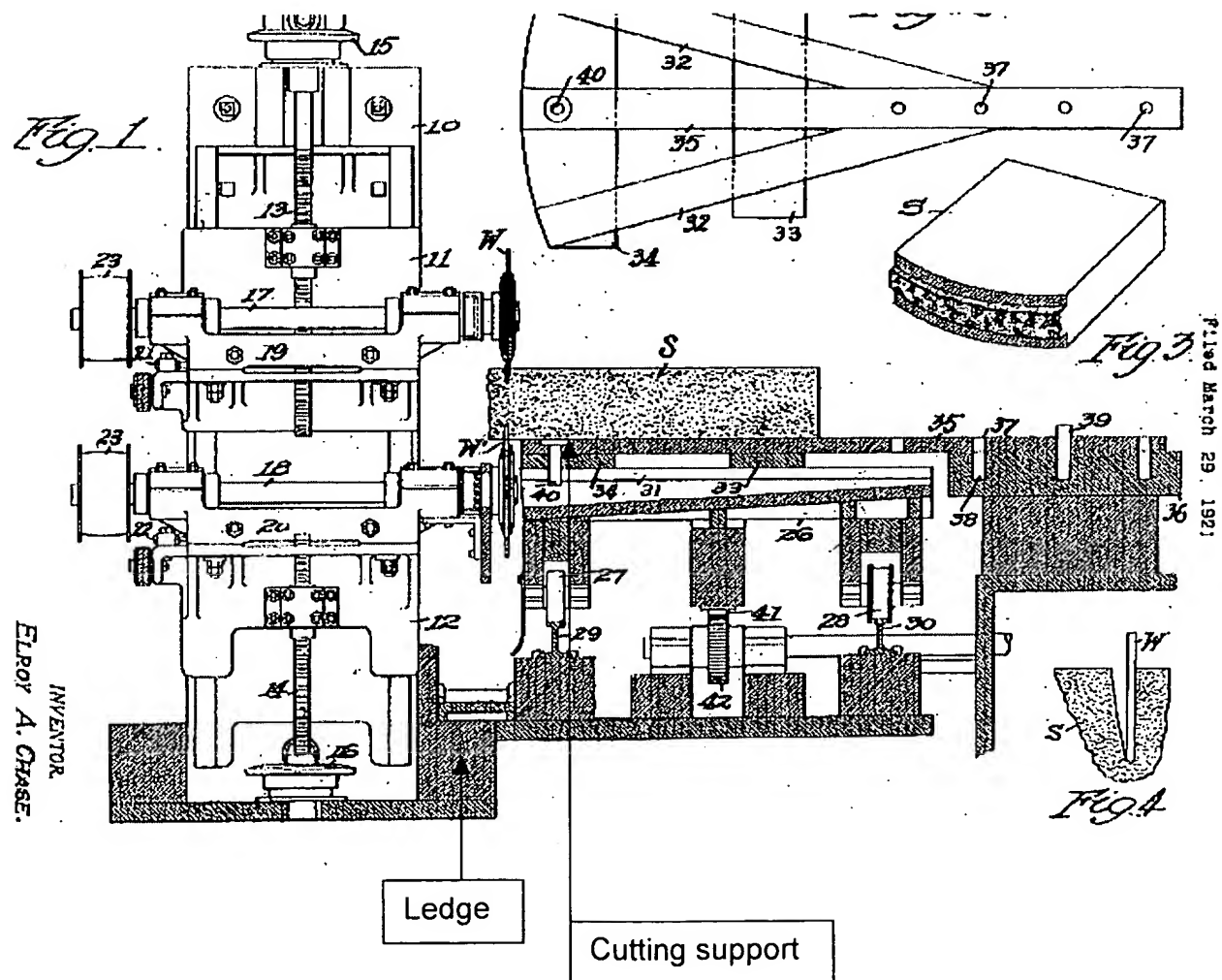
15. Claim 27, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bando (5221034) in view of Chase (1509585). Bando discloses the claimed previously mentioned above, but lacks, a cutting disc disposed below the workpieces. However, Chase discloses a lower cutting disc (W') disposed below the workpiece (S). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, of Bando, with lower cutting disc, in view of Chase, in order to cut different sections of a workpiece simultaneously thereby increasing production and efficiency.

16. Claim 27, is rejected under 35 U.S.C. 103(a) as being unpatentable over Christian (FR 2706348) in view of Chase (1509585). Christian discloses the claimed previously mentioned above, but lacks, a cutting disc disposed below the workpieces. However, Chase discloses a lower cutting disc (W') disposed below the workpiece (S). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, of Christian, with lower cutting disc, in view of Chase, in order to cut different sections of a workpiece simultaneously thereby increasing production and efficiency.

17. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bando (5221034) in view of Gawazawa (2003/0070520) and Chase (1509585). Bando discloses the claimed previously mentioned above, but lacks, a cutting disc disposed to a side of the cutting support. However, Chase discloses a cutting disc (W') disposed to

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a side of the cutting support (See figure below). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, of Bando, with lower cutting disc, in view of Chase, in order to cut different sections of a workpiece simultaneously thereby increasing productivity and efficiency.



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In reference to claim 29, Chase also teaches that the cutting disc can be moved vertically (Lines 52-55).

In reference to claim 30, Chase also discloses that cutting disc is part of a milling machine rigid with a frame (10) mounted on vertical guides (13, 14).

In reference to claim 31, Chase also discloses that the vertical guides are fixed to a ledge projecting from said support (see figure above).

In reference to claim 32, Gawazawa also teaches that discs can be moved about the vertical axis as previously mentioned above.

18. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christian (FR 2706348) in view of Gawazawa (2003/0070520) and Chase (1509585). Christian discloses the claimed previously mentioned above, but lacks, a cutting disc disposed to a side of the cutting support. However, Chase discloses a cutting disc (W') disposed to a side of the cutting support (See figure above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, of Bando, with lower cutting disc, in view of Chase, in order to cut different sections of a workpiece simultaneously thereby increasing productivity and efficiency.

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In reference to claim 29, Chase also teaches that the cutting disc can be moved vertically (Lines 52-55).

In reference to claim 30, Chase also discloses that cutting disc is part of a milling machine rigid with a frame (10) mounted on vertical guides (13, 14).

In reference to claim 31, Chase also discloses that the vertical guides are fixed to a ledge projecting from said support (see figure above).

In reference to claim 32, Gawazawa also teaches that discs can be moved about the vertical axis as previously mentioned above.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mayer (5318005) discloses an apparatus in which various tools could be used for cutting a workpiece.

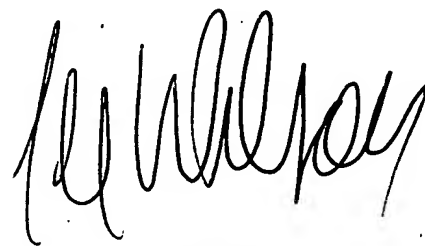
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Scruggs whose telephone number is 571-272-8682. The examiner can normally be reached on Monday-Friday, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RS

A handwritten signature in black ink, appearing to read 'Lee D. Wilson', is positioned above the printed name and title.

LEE D. WILSON
PRIMARY EXAMINER